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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,909	06/05/2001	John E. Carpenter	1129.1101101	3599
28075	7590	05/10/2006	EXAMINER	
CROMPTON, SEAGER & TUFTE, LLC			JARRETT, SCOTT L	
1221 NICOLLET AVENUE			ART UNIT	
SUITE 800			PAPER NUMBER	
MINNEAPOLIS, MN 55403-2420			3623	

DATE MAILED: 05/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/874,909

Applicant(s)

CARPENTER ET AL.

Examiner

Scott L. Jarrett

Art Unit

3623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 5 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-13 and 15-34.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s): _____.
13. ☐ Other: _____.


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Continuation of 5. Applicant's reply has overcome the following rejection(s): The 35 USC 112 Rejections of Claims Claims 23, 32 and 28-33 is withdrawn in response to Applicant's amendments to 23-27 and 28-33.

Continuation of 11. does NOT place the application in condition for allowance because: Applicant's remarks filed May 4, 2006 argue that the prior art of record fails to teach or suggest household specific demographic profiles for geographically adjacent or proximate parcels of land, specifically arguing that parcels of land are "smaller" units of land than taught by the prior art (Pages 16-19), that there is no motivation to generate household specific demographic profiles (Paragraph 2, page 19) or preventing access to household specific data/information by aggregating/summarizing the data (Paragraph 3, page 22). The Applicant further argues that the ranges for aggregating households as cited in claims 24-27 represents affects the output of the aggregated dataset and is therefore functional (Paragraph 2, Page 23)

Applicant's arguments filed May 4, 2006 have been fully considered but they are not persuasive. Specifically Applicant's argument that "parcels of land", as claimed, in patentable distinguishable from the regions, tracts, bands, zones, zip codes, neighborhoods, block groups or the like as taught by ESRI the examiner respectfully disagrees. ESRI clearly teaches a system and method for analyzing a plurality of information including household specific demographic information/profiles/data in which the data is aggregated/summarized/generalized into any of a plurality of user-defined market segments, areas, regions, neighborhoods, zones, bands or the like (i.e. parcels of land; reference A: Pages 2-3, customer/household specific data/information/profiles; Last Paragraph, Page 4; Figures on Page 4-6 shows aggregating adjacent parcels of land - and customer specific profiles; reference B: Paragraph 2, Page 4; clearly shows aggregating household specific data/information/profiles for a plurality of geographically adjacent/proximate parcels of land).

Further it is noted that aggregating (summarizing, generalizing, etc.) household specific data for several geographically adjacent or proximate parcels of land is a common business practice as evidenced by at least: MetroGIS Technical Advisory Team - Meeting Summary (Pages 1-2); Ormsby et al., Extending ArcView GIS (Pages 288-292, 298, 505), Mitchel, Andy, ESRI Guide to GIS (Page 13), Daniel et al. Inside MapInfo Professional (Pages 207, 236, 256, 258-259) and Caliper.com Web Pages (Maptitude for Redistricting, Pages 4-5, 9).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., aggregating household specific data so as to prevent user access to data; Last Paragraph, Page 22) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Further in response to applicant's argument that aggregating household specific data so as to prevent user access to data (Last Paragraph, Page 22), a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In the present case ESRI clearly teaches aggregating/summarizing household-specific data/profiles/information at any of a plurality of user-defined levels as discussed above.

Further it is noted that aggregating/summarizing/generalizing household specific data/information so as to protect privacy (i.e. to prevent/limit access to identifying information by only providing summary/aggregated/generalized data) is a common business practice as evidenced by at least Johnson et al. and MetroGIS Technical Advisory Team - Meeting Summary (Johnson et al.: Last Paragraph, Page 7; Bullet 3, Page 20; MetroGIS: Last Paragraph, Page 1).

Claims 1-13 and 15-34, as currently amended, would be rejected using the same art and rationale as detailed in the Final Office Action dated December 2, 2005.